

REMARKS

Claims 1-9, 11, 12, 22 and 23 are now currently pending in the present application. Claims 10 and 13-21 have been cancelled in the present response. Claims 1 and 11 have been amended to incorporate the subject matter of now-cancelled claims 10 and 13. Claims 1 and 11 have been further amended to correct editorial matters. New claims 22 and 23 have been added, which is supported by the prior claim set and the specification, at least, at page 4, lines 3-9. No new matter has been added by way of the present claim amendments.

Rejection under 35 U.S.C. 112, First Paragraph

Claims 1-9, 11 and 12 stand rejected as failing to comply with the enablement requirement.

In the present response, claims 1 and 11 have been amended to incorporate the allowable subject matter of claims 10 and 13. That is, the present claims now require that biologically accessible silver is administered in an amount of 0.5 – 50 mg of biologically accessible silver per litre preparation. Accordingly, Applicant respectfully submits that the outstanding claim rejection has been overcome. Withdrawal thereof is respectfully requested.

Rejection under 35 U.S.C. 112, Second Paragraph

Claims 1 and 11 stand rejected as being indefinite.

In the present response, claims 1 and 11 have been amended to delete the exemplary phrase “including human beings”. Moreover, new claims 22 and 23 have been added which specify the preferred animals within the scope of the present invention. In light of the present claim amendments, Applicant respectfully requests withdrawal of the outstanding claim rejection.

Allowable Subject Matter


Applicant kindly thanks the Examiner for indicating that claims 10 and 13-21 contain allowable subject matter. In the present response, independent claims 1 and 11 have been amended to incorporate the allowable subject matter. Thus, Applicant respectfully submits that each of the pending claims is now in condition for allowance. A Notice of Allowance is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Charles Gorenstein, Reg. No. 29,271 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: **June 16, 2009**

Respectfully submitted,

By 
MTC Charles Gorenstein
Registration No.: 29,271
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant